SIDE OF THE JUDGE THE PUBLIC DOES NOT SEE

A ludge is called upon, in the regular routine of his official duties, to decide questions of the greatest importance to individuals and to the public at large. He has to ennounce the sentence of imprisonment weven death on criminals. His decision ay settle the question of ownership of vast estates. Manifestly the responsibilities resting upon him are tremendous and to the average man it might seem a he would be barassed with continual doubts of his own wisdom, unless he were abnormally self-confident.

To throw light on the matter the question was put to Mayor Gaynor. He listened gravely

"Apparently it is a joke, or a question of opportunity, with a good many men the bench to be a Judge," he said. *But, of course, that is only true of men who have no business to be Judges. No man is fit for the position in the first place unless he realizes the responsibilities of it and is qualified by nature and training to discharge its duties properly.

"I would say that the first qualification of a Judge should be mental integrity. He must not only have a fixed purpose of doing always the right thing but he must also have a mind trained so as to be able to see always what the right thing is and the mental integrity to enable him to do the right thing without regard to circumstances. Suppose a case in which a poor girl employed in a factory is the litigant on one side and her employer a millionaire manufacturer, is the opposing

'In such a case the personal sympathies of the Judge might naturally be enlisted either on one side or the other, but his personal sympathies have nothing to do with the question he may be called on to decide. His mental integrity must be such as to compel him to decide exactly as he would if the question at issue were between two millionaires or two working

"The second qualification of a Judge as I understand it, should be clarity of vision. He must be able not only to hear and comprehend the testimony that is given before him but he must be able Commissioner Lederle here before me a little while ago in the case of a boy who had been arrested for spitting and had been thrown into a cell instead of being taken before a Judge and fined.

Now, spitting is not a crime. It is and the boy should not have been imprisoned among criminals, as he was. but Lederle wanted me to hear the stateargest and he brought him before me.

statement in which he insisted that he great caution. had preceeded in the matter according to all the formalities laid down in the writings told how he reached a decision consideration. rules that are supposed to govern his conduct, and he made out that it was quite an elaborate proceeding.

The Right Way to Decide.

Now they don't do things that way. A policeman sees a boy spit, and he arrests him and that's all there is to that. So the statement had no weight with me. I could see that he was not telling the truth. But a Judge who had not the clear vision that comes from an understanding of such things might very readily have been imposed upon by the very formality of the statement. That's what I mean by clarity of vision.

absolutely independent in character and confidence in his own powers of perception. But after all the cardinal point to be insisted on is mental integrity. He must not only see the proper course but his mind must be so trained as to compel him to follow it.

"And this mental integrity, while it training. A naturally dishonest man, to be a Judge.

qualifications, and no man should be a

place on questions of fact and these are the gravity of the situation often the subject of conflicting testimony.

Formerly JUSTICE of the SUPREME COURT of NEW Y Take the matter of a disputed signature cases in which capital punishment may be to weigh it understandingly. I had perhaps on a deed involving the owner- inflicted. It is true that the jury decides ship of a large piece of property. The the question of guilt finally, but the re-

MAYOR GAYNOR

"But even in a case like that and in nine times in a hundred it is made plain case to every one who hears the testimony either that the contention is true or that bear constantly in mind the rights of the ment of the roliceman who made the it is false. In the hundredth case the prisoner, no matter how clearly he may be arrest and he brought him before me. clear vision of the Judge must be relied convinced in his own mind of the man's "That was right and I listened, but upon to enable him to perceive the truth guilt. And he must remember that every the policeman made a highly technical of the matter and he will proceed with accused man has the right to have the

looks like a complicated case.

when some difficult question was at issue He said he proceeded somewhat after the fashion of a bookkeeper. He would set opposite decision. Then he would weigh m all individually and collectively and the truth would appear. In some such entirely out of consideration and they fashion as this the Judge must reach his come to be looked upon as severe Judges.

"But how is it with the peace of mind ings

very gravely, "it is true that the Judge on anything but the facts in the case absolutely independent in character and unswayed by any outside influence, and he must have natural decision, or at least the power of decision that may are least the power of decision that may the power of decision that may are least the power of decision that may the power of sentence is purely a minimum to disturb all of course in capital cases, as I said.

The passing of sentence is purely a minimum to disturb all of course in capital cases, as I said. fled to be a Judge.

Senator O'Gorman's View.

may be a natural gift, may be attained Senator, when he was asked how it feels that any man can hold."

if he so desires, may bring himself to a The reporter made some remark about condition of mental integrity in which he the way Atlas must have felt when he had The next question was whether a Judge why it should not be so. New business is

Judge unless he has them, the question man realizes the responsibility that de- whether the other side, supported, as it past." you ask is a simple one. Consider what volves upon him in deciding cases that may have been, by evidence and strong "He has to decide frequently in the first terests of other men he cannot fail to feel claim to a favorable decision. Senator office of a Judge?" Senator O'Gorman was

"Most especially he must feel this in

signature is there, but the man swears it sponsibility resting upon the Judge is is a forgery Experts are called on both very great. He has to decide upon the sides and various tests are applied. It admission of evidence and the technical points that may be raised in defence of the rights of the accused, and most of all he at most the violation of an ordinance, any other case that may be cited ninety- has to charge the jury on the law of the

"It is a prime necessity that he shall question of guilt decided by twelve men Benjamin Franklin in some of his who shall be uninfluenced by any outside

"Then when it comes to the matter of deciding what the punishment should be there is another great burden to be borne. down in one column all the arguments. He must, so far as possible, settle that and points which seemed to indicate one question without allowing himself to be answer and in another all that led to an swayed by any feeling of human sympathy which he may have. "Some men seem to be able to put that

but perhaps they administer strict justice "When it comes to deciding questions as impartially and as well as those who of law of course he must know the laws " | are more or less influenced by their feel-It is the business of the Judge to of a Judge when it comes to pronouncing settle all questions strictly as matters of a sentence of imprisonment or death on a right and wrong, no matter who is af-"Then, of course, a Judge should be fellow being?" Mayor Gaynor was asked. fected or how, and he must be able to per-"In such a case," replied the Mayor ceive the right and wrong without relying

the Judge if, as I say, he is properly quali- but similarly, though in lesser degree, in have erred in his judgment. That was an cases in which a man's liberty is at stake instance in which the man lacked that or where property interests are in ques- confidence in himself which is essential to tion, and the man who occupies a Judge's the comfort of a man who has the duties "How do you yourself think it would position cannot escape from a realization of a Judge to perform. feel?" was the reply made by excluded of it. His position is a most important James A. O'Gorman, now United States one, in a certain sense the most important

After Rendering Judgment.

can perceive the right thing unerringly. the weight of the world on his shoulders, was not likely to be troubled after making constantly coming up in the courts and in Now, supposing a Judge to have these and Senator O'Gorman said thoughtfully: a decision by the question in his own the stress of daily duties there is no room "The burden is very great. When a mind whether after all he was right or for consideration of matters that are involve the life or liberty or property in- argument, might not have had the stronger the question of a man's fitness for the O'Gorman said no.

"It may be true of some Judges that they | "Not directly."

Mayor Gaynor and Senator O'Gorman Tell of the Personal Phase of Service on the Bench-Difficulties of the City Magistrate in Trying to Enforce the Laws and Administer Real Justice

enables him to reach a correct conclusion "Psychology does not interest me just trate is forced to consider this and he must be guided in his decision only now and I have no feelings to speak of." "Personally I consider the by a strict sense of justice—a fearless discrimination between the right and the of the National Association of Composition of the whole question. A City Magistrong of a matter. Now whether the trollers and Accounting Officers spoke trate has in a sense to perform the duties that a man is year deposit on the first test a man is year deposit on the first test a man is year deposit on the first test a man is year deposit on the first test a man in year deposit of the variety of the is strict in his observance of--- well, a having naturally a strict sense of justice." not very much to say, any more than had Mayor Gaynor, about the peronsal to be harmonious. They are well balfeelings of the man who is called upon anced. They are neither too fat nor too cause he is accused. to bear the burdens he described. In search of this personal equation a call was made on P. esiding Justice Ingraham of the Appellate Division of the Supreme

"I should judge from my own feelings just now," he said, when the question was attends harmony of temperament." asked him, "that it feels very much like bein dead to be a Judge. After nine weeks of such work as I have been doing there sn't much feeling of any kind eft."

fact that a man is very devout or that he of the qualifications of candidates for of a jury as well as those of a Judge. man may be very devout indeed without a Judge. What he said is appropriate question of guilt. In most cases, I may

> lean; they rise to high positions by force men, but they have an all round completeness of character which usually

Case of the Magistrate.

There is still anothe aspect of the quest on. That is the mental attitude of the man who is called on to ad udicate such a positi n as his.

a human being to support. There justice. may be men who can take it lightly. but to the man who realizes the responsibilities of his place there are times when they seem almost intolerable.

"Consider for a moment what it is that a Magistrate has to do. We have about it?" not only to inquire into the question of infractions of the law and to hold persons presumably guilty for trial in a higher tribunal, but we have also the duty of inflicting summary punishment in a large class of cases. And it must be remembered that our judgment is practically. the final one in most cases. Of course the man we fine or send to the workhouse has technially the right to appeal from our decisions, but in almost all cases they have not the means to do so.

other people who are innocent. Take the case of a man who is proved in court to have beaten his wife with inhuman "There is no question that he ought

impulse when his guilt is established is to inflict upon him the full penalty of the law. But the question comes up immediately as to what is to become of his

"A Judge," he said, "must be able to hear and thoroughly understand a case. He must have the clarity of vision that "Not to me," replied Justice Ingraham" he is kept from his work, and the Magis-

"Personally I consider this aspect Prof. Blumenthal at a recent convention of the work by far the most serious side important offices, including that of That is, he alone has to decide on the so after all Senator O'Gorman had just here. Among other things he said: say in nearly all, this part of it is easy. "The most efficient men probably are Either the offence is proved or it is not.

"But if the guilt is proved we have to of character and maintain them by the decide on the question of punishment, equilibr um of good judgment. Success- and as I said our judgment is practically ful men are rarely particularly brilliant final. And this is much the hardest thing we have to do. "Even a trivial sentence, such as the

imposition of a \$2 fine, may be a serious thing to a young fellow, for it goes on the record and stands against him for the rest of his life. Or, as I say, punishing him may mean punishing somebody else. It is often tremendously difficult to decide the minor troubles of mankind such as what ought to be done in the interests come up constantly in the Magistrates' of justice, balancing the rights of the comcourts of the city. Magistrate F. B. munity against the rights of the offender, House was asked how it feels to occupy even when the welfare of others is not involved. Then there is a large class of "It feels sometimes," he said, 'as if cases in which the law if enforced does the burden was almost too great for not operate toward the furtherance of

Innocent Made to Suffer.

"In such cases," he was asked, "what is the cause and how does the Judge feel "We are sworn to uphold the law," was the

answer, "and of course we have to do so. But it is often difficult. There was a case before me this spring of a young fellow who was riding on an express train on the elevated railroad. He felt like having a little fun and he went out on the back platform and pulled the emergency brake

"The train was crowded and the passengers were not only thrown in heaps and some of them hurt but a lot of women got hysterical and tried to climb out of the quently a matter of vital importance to the offender and almost equally often to other records who are investigated as a continuous collision and limit to this out of the windows. If another train had been close behind there might have been a corious collision and limit to this out of the had to be punished, though it did not appear that he was lying when he said he did it for a joke.

"But the boy's mother was in court and to be punished severely, and the natural she pleaded for him, telling me that he was her only support. I had to sentence him, but it was a hard thought for me that by doing so I deprived the poor woman of her support. "It is so with wives whose husbands

are sent to prison for beating them, and personally I think it would be an excellent thing if we could have them severely flogged. I know that some of the other Magistrates agree with me, but I cannot speak for all of them.

"All these are only different phases of the day's work," continued the Magistrate, "and they are perhaps not valuable excepting as they show how a man must feel if he has any human sympathy in him when he is called on to perform such duties. There is another class of cases in which it is really a satisfaction to be able to impose the severest penalty which the law allows. "For instance, there is never any doubt

as to what we ought to do and there is never any hesitation in doing it when we get somebody before us who is concerned in the white slave traffic. The only question there is how severe a sentence can we give him, and he gets the limit every "Other cases are treated similarly, and

the Magistrate enjoys the privilege the law gives him of inflicting punishment. There are a number of bad gangs in the city now. I don't care what is said to the contrary by anybody. The gangs exist and they are a menace to peaceful citizens and it is a satisfaction to be able to punish a gangster whenever we get the oppor-

"I don't mean the groups of boys and young men who hang around the corners here and there skylarking or playing craps. It's hard to tell what ought to be done with them in a good many instances. But I mean the really bad gangs that infest certain parts of the city where a man is likely to have his head broken and his money taken while he is on his way home. There's no psychological problem about the feelings of a Judge when he comes to deal with such offenders as those.

"But it is certainly true that if a man has any heart in him he feels the strain when he is obliged to decide a case in which suffering comes to other human beings. And it is also true, I suppose, that no man would be able to endure the burden of such responsibility unless he had a lot of confidence in his own judgment and the essential integrity of his

intentions."

SENATOR JAMES A. OGORMAN,

Formerly JUSTICE of the SUPREME COURT of NEW YORK

TEN NEW YORK WOMEN POSSESS HALF A BILLION charities, but so strictly does she regard of \$100,000,000. Unquestionably she has | Spain that the nation became widely in them as a personal matter that they more ready money at her command than terested in Miss Gould's gifts. At that his entire fortune in the hands of his have been kept utterly from the outside any other individual. Wall Street waits time she sent her check for \$100,000 to

Continued from Fourth Page.

Shortly before her marriage a recon-

statement in regard to the gifts:

publications which have recently appeared | financier.

"My father, with his exact knowledge of money and its danger to the young, made cently has relaxed to an extent her business activities, but she is still to be seen provision for his grandchildren by deed of trust. After his death I had resolved to result a similar provision, and ill advised, she has made her headquarters since she and her ancestral shield is starred with the money and its danger to the young, made cently has relaxed to an extent her business activities, but she is still to be seen for generations. She reads her title and had social position and riches for generations. She reads her title and her ancestral shield is starred with that has had social position and riches for generations. She reads her title and her ancestral shield is starred with the money of a university hospital at Charleston, and her ancestral shield is starred with town, N. Y.; \$10,000 for the American of constantinople; town, N. Y.; \$10,000 for the American of the more of considerable interest. The priest is the Rev. F. Colonial Governors. New England to town, N. Y.; \$10,000 for the American of the more of constantinople; town, N. Y.; \$10,000 for the American of the more of constantinople; town, N. Y.; \$10,000 for the American of the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. Colonial Governors and the priest is the Rev. F. his will prevented this and deprived the intended beneficiaries of what they might a withered leaf strangely tossed into the have enjoyed for the last three years. great financial current of Broadway. "She is a Robinson of the Howland-Rob-conducting tent meetings in various have enjoyed for the last three years. great financial current of Broadway. "She is a Robinson of the Howland-Rob- conducting tent meetings in various Inowintend to carry out my original plan. The chore woman in her office building inson line and a Howland of the Round parts of New York city; \$9,500 for a club-

daughter was the cause of one of the most world, and indeed many of those who on her coffers. sible.

distributed in the neighborhood of \$1,000. enormous wealth, as Mrs. Green's money gain shrewdly. Stranger far than any serve under it.

600, so it is said, among her father's other is not will made but self made. In other fiction is the chronicle of this woman's The naval Y. M. C. A. branch at Sands heirs, when she issued the following words, while the male members of the career. "I will not permit the wholly un- fortunes now controlled by women, in when she first plunged into business life, met the espense of building an addition authorized, inaccurate and misleading Mrs. Green's case she has been her own ble admits, however, that it was after and the entire output for this institution publications which have recently appeared financier. She admits, however, that it was after and the entire output for this institution the failure of her husband. Her money is said to approach \$1,000,000. To the

duct. No one has the right to arrange for career with about \$1,000,000, which she lose a dollar of it; but her husband's \$25,000. The Railroad Men's Y. M. C. A. me what I shall do with my own. Still inherited from her father, Edward Robin- fortune was swept away and, following next aroused her interest, and she gave less has any one the right to attempt by son. This money she has doubled perhaps that failure, he led a secluded life at his \$150,000 to build the Y. M. C. A. at St. newspaper publication to influence my ninety-nine times over and is still adding club, while his wife gradually became Louis, Mo. This also is a memorial to her to her immense estate.

sequence of the last three years. Inovaited to carry out my original plan. The chore woman in her office building in the chore woman in the first wide the woollen capt and has a very search with the world in the world in the propose about the part of the par

one of the dominant figures in Wall Street. father.

the United States Government to be sensational will contests which have ever have enjoyed her benefactions have been taken place in this country. In 1908 Mr. kept in ignorance of their source December a procession of bank presidents United States soldiers, and within three Weightman's other heirs made an un- spite her \$60,000,000 she prefers a quiet hat in hand, railroad magnates bowing months, as a member of the Wom n's successful fight in the courts to deprive and retired life and she wants to keep low and rich directors humbly making Relief Association, she increased her Mrs. Penfield of a large portion of her out of the public gaze as much as pos- obeisance. Even the city of New York gift by some \$27,000. From that time sible.

n many particulars Mrs. Hetty How
in need has brought its plea to her.

Coolly calculating she listens, balancsoldiers and jackies has never flagged. on Miss Gould's interest in American ciliation of the bride with her relatives land Green occupies a different position ing want and intrigue with a firm nicety Wherever the United States flag floats occurred. At this time Mrs. Penfield from the othe New York women of judgment. Then she drives her bar- her name is cheered by the men who

GEORGEL INGRAHAM

of the APPELLATE DIVISION of the SUPREME COURT OF NEW YORK.

are so troubled," he replied. "In fact I

"With me after I rendered a decision I

dismissed the matter from my mind. It

became mentally as it was on the records.

res adjudicata. And I believe that is true

with most Judges. There is no reason

*Does the matter of religion enter into

asked, and he answered very deliberately,

street, Brooklyn, was built at her expense family accumulated most of the large Mrs. Green is reticent as to how and as a memorial to her parents. Later she To be sure she started her business was secure, however, and she didn't naval Y. M. C. A. at Norfolk she gave

a branch of the order of the Perpetual MEETING AN ACCOMPLISHED PRIEST Adoration, building for the order's use a chapel and convent.

reater portion of ber fortune from her ather, Ogden Mills.

Mrs. O. H. P. Belmont has used her mill-

The casual visitor who may stroll there are few apostles there.

A Virginian by birth, she has presented around in the little village of Seaford, Should the visitor's curiosity or other to her native State suitable monuments | I. I., is liable to have a mild surprise | motive lead him into the church he will to mark the scenes of all battles fought on meeting an Anglican priest in strictly be again most amply repaid. It is a in Virginia. In recognition of her gifts correct clerical dress with an unmis- very simple Queen Anne building of no to the church Pope Pius X. bestowed takable military bearing. If he ventures pretension outside, but far better upon Mrs. Ryan the title of Countess, to offer a salute the priest will return within; and the altar, though many of but she has never availed herself of the it with punctilious courtesy. Should he the villagers have never even seen it, he

the villagers have never even seen it, is the venture further and begin a conversation he is likely to learn and see things of considerable interest.

The priest is the Rev. Father John H.
W. Fortescue-Cole, once a commissioned officer in the British army, a profound scholar and an artist in oils and a musician of uncommon gifts, though shy and retiring to a degree in the villagers have never even seen it, is famous far and wide among those who know true art, and is well worth a long pligrimage to those who love beauty. It is constructed of the marble commonly known as Mexican onyx, the colors being pale golden brown and white, with shadings of delicate gray.